

IN THE UNITED STATES DISTRICT FOR
THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

DUCKHEE LEE, IRENE LEE,
and **ADRIAN LEE**, individually and
on behalf of the Estate of
JUNGSOON LEE

Plaintiffs,

vs.

No. 5:18-CV-0088-JKP

UNITED STATES OF AMERICA,

Defendant.

ORDER

The Court has under consideration a Joint Motion to Approve Settlement (ECF No. 50). The parties seek Court approval as to the reasonableness of the proposed settlement between the United States of America and Duckhee Lee, Irene Lee, and Adrian Lee Individually, and on behalf of the Estate of Jungsoon Lee.

The complete and precise terms and conditions of the settlement are set forth in the Stipulation For Compromise Settlement And Release Of Federal Tort Claims Act Claims Pursuant To 28 U.S.C. § 2677 (hereinafter "Stipulation"), attached as Exhibit "A." The Court has reviewed the pleadings, the Stipulation, and the report of the Court appointed Guardian ad Litem, Scott M. Bage, of Scott M. Bage, P.C., the Court is fully informed of the specifics of the full and final terms and conditions of the settlement, including that the settlement is subject to approval by the Attorney General or his designee and funding pursu-

ant to 42 U.S.C. § 233(k). The Court finds that the terms and conditions of this settlement, as set forth in the Stipulation, are fair, reasonable, and in the best interests of the parties. Accordingly, the Court **GRANTS** the motion.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the settlement, as set forth in Exhibit A, is hereby approved. IT IS FURTHER ORDERED that the parties, are authorized and required to sign the Stipulation and any other documents that are necessary to consummate this settlement.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the settlement amount of Eight Million Seven Hundred and Fifty Thousand Dollars (\$8,750,000.00) (hereinafter "Settlement Amount") shall be distributed according to the terms and conditions of the Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that attorney's fees in this action shall not exceed twenty-five percent (25%) of the Settlement Amount and shall be paid as provided in the Stipulation. The Court finds that the costs and expenses associated with the litigation are fair, reasonable, and necessary. The Court further finds that the Guardian ad Litem fees of are fair, reasonable, and necessary.

Accordingly, IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said fees of Plaintiffs' attorney, the fees of the Guardian ad Litem ,costs, and expenses set forth above are hereby approved and shall be paid from the settlement amount as provided in the Stipulation.


The Court finds that Plaintiffs are legally responsible for any and all past, present, and future liens or claims for payment or reimbursement, including any liens or claims for payment or reimbursement by Medicaid, Medicare, or healthcare providers. The Court hereby Orders Plaintiffs, by and through his at-

torney, to satisfy or resolve any and all such past, present, and future liens or claims for payment or reimbursement asserted by any individual or entity, including Medicaid and Medicare, arising from the subject matter of this action. The Court further Orders that Plaintiffs, by and through their attorney, shall provide to the United States the information required by the Stipulation regarding the satisfaction or resolution of such liens or claims for payment or reimbursement within the time specified in said Stipulation.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Plaintiffs, upon final execution of the Stipulation and upon receiving wire funding of the settlement proceeds, shall cause their attorney to file with this Court a dismissal of this action in its entirety with prejudice, with each party bearing its own costs, expenses, and fees. Subject to the terms and conditions set forth in the Stipulation, Plaintiffs' attorney shall distribute said Settlement Amount to the Plaintiffs after paying or resolving any currently known lien or claim for reimbursement or payment for which Plaintiffs have agreed to be legally responsible under the terms of the Stipulation.

The Court will retain jurisdiction over this case for seventy-five days or until settlement is finalized and funded. If the parties need additional time to finalize or fund the settlement, they may move for an appropriate extension of time. The Court will administratively close this case by separate order subject to reopening.

It is so ORDERED this 27th day of April 2020.


JASON PULLIAM
UNITED STATES DISTRICT JUDGE